

## **2009 Legislative Summary Vermont Department of Education**

This summary describes the major pieces of education-related legislation which were enacted during the 2009 legislative session. The texts of all bills and acts can be found at <http://www.leg.state.vt.us>. Links to the text of particular acts which are discussed in this summary are included in the relevant sections of the text below.

If you have questions regarding the legislation described in this summary, please contact Mark Oettinger, DOE General Counsel, at (802) 828-3135 or [mark.oettinger@state.vt.us](mailto:mark.oettinger@state.vt.us).

### **ACT 1: AN ACT RELATING TO IMPROVING VERMONT'S SEXUAL ABUSE RESPONSE SYSTEM (S. 13)** <http://www.leg.state.vt.us/docs/2010/Acts/ACT001.pdf>

Act 1, the “34-point comprehensive plan for improving Vermont’s sexual abuse response system,” includes significant new protections for students against sexual exploitation and sexual violence.

Act 1 amends 16 V.S.A. § 131, the definition of comprehensive health education in public schools, to include the study of how to recognize and prevent sexual violence, developmentally appropriate instruction regarding healthy relationships, communication with trusted adults, and recognition of sexually offending behaviors and awareness of school and community resources. A transitional provision creates a work group consisting of professionals in the fields with expertise in sexual violence prevention, the treatment of juveniles with sexual behavior problems, school counseling, and early education. The work group will provide training and support to schools in the creation and implementation of this provision.

For information on comprehensive health education, contact [donna.mcallister@state.vt.us](mailto:donna.mcallister@state.vt.us).

Act 1 amends 16 V.S.A. § 254 (effective December 31, 2010), to require the Commissioner of Education to request and obtain information from the child protection registry which is maintained by the Department for Children and Families, and information from the vulnerable adult abuse, neglect, and exploitation registry maintained by the Department of Disabilities, Aging, and Independent Living (collectively, the “registries”) for any person applying for an initial license as a professional educator, and for any person applying for reinstatement of a license which has lapsed if there has been a period of one year or more during which the person has not worked for a Vermont school district or a Vermont recognized or approved independent school.

Act 1 also amends 16 V.S.A. § 254 (effective December 31, 2010), to prohibit a person convicted of a sex offense which requires registration as a sex offender from being licensed as an educator, and from being employed as a superintendent of schools in Vermont.

Act 1 amends 16 V.S.A. § 255 (effective December 31, 2010), to require a superintendent, or a headmaster of an independent school, to obtain information from the registries for anyone of whom a criminal record check is required (a person employed by the school, a contractor or employee of a contractor who may have unsupervised contact with students, and a student teacher).

Act 1 amends 16 V.S.A. § 255 (effective December 31, 2010), to prohibit a person convicted of a sex offense which requires registration as a sex offender from being eligible for employment by a superintendent or headmaster.

Act 1 amends 16 V.S.A. § 255 (effective December 31, 2010), to require a board of trustees of a recognized or independent school to request a criminal record check and a check of the registries for anyone being offered employment as a headmaster.

Act 1 amends 16 V.S.A. § 256 (effective December 31, 2010), to allow those required to obtain a criminal record check to also obtain a name and date of birth-based criminal record check, or a fingerprint supported criminal record check, on a person who has previously undergone a criminal record check, at any time during the course of their continued employment. It also allows such rechecking to be done through an automated subscription service.

Section 6c of Act 1 requires the Commissioner to obtain a criminal record check and a registry check for any person renewing a current educator's license, who has not been the subject of a prior fingerprint supported criminal records check by the Vermont Department of Education or a Vermont School District. This provision became effective upon passage.

Section 7 of Act 1 requires the Commissioner to submit recommendations to the house and senate committees on education and judiciary by January 15, 2010, on ways of ensuring that registered sex offenders who might attempt to volunteer in schools do not have unsupervised contact with students.

Act 1 amends 16 V.S.A. § 260, to require that superintendents and headmasters and their contractors check the Vermont internet sex offender registry for the names of their work study students prior to allowing them unsupervised contact with school children. This change also prohibits a person on the Vermont internet sex offender registry from being a work study student.

Act 1 added 16 V.S.A. § 563a, to require school boards to ensure that their employees receive training on the prevention, identification, and reporting of child sexual abuse. The school boards are also required to provide the same information to parents, guardians, and other interested persons. The Department of Education and the Agency of Human Services are required to provide materials and technical support to any school board which requests assistance in implementing these requirements.

For information on registry and record checks, contact [matthew.raymond@state.vt.us](mailto:matthew.raymond@state.vt.us).

**ACT 44: AN ACT RELATING TO MAKING MISCELLANEOUS AMENDMENTS TO EDUCATION LAW (H. 427)** <http://www.leg.state.vt.us/docs/2010/Acts/ACT044.pdf>

Act 44 enacts H. 427, and contains most of the legislative actions taken this year on education. Because there are 61 sections in Act 44, only the major substantive education-related provisions are addressed in this summary. The link immediately above is to Act 44 as a whole, as the electronic version is not formatted into separate sections.

### **SCHOOL CHOICE**

There are three amendments of existing statutes relating to school choice.

16 V.S.A. § 821 has been amended to allow a child's parents or guardian to appeal the denial of a request to their school board (based upon the newly added standard of "geographical considerations") to allow the child to attend an elementary school in an adjacent district. The appeal goes to the

Commissioner of Education, whose decision shall be final. Previously, the school board's decision was final.

16 V.S.A. § 821 was also amended to give parents and guardians the option, in districts which do not operate an elementary school, to enroll their children in approved independent elementary schools or in independent elementary schools meeting school quality standards, without school board approval, if general authority to pay such tuition has previously been granted by vote of the electorate. Under such circumstances, parents and guardians are required to provide notice of their choice to the school board by April 15 for the following academic year, and tuition costs are capped. Previously, the school board had the authority to determine which (if any) independent school the student could attend.

16 V.S.A. §§ 822 and 827 were amended to allow districts which do not operate high schools to designate a *public* high school, an approved independent school, *or* a independent school meeting school quality standards, as the public high school of the district, pursuant to an electorate vote. Previously, the electorate could only authorize that tuition to an approved independent school.

Existing law on regional public high school choice (formerly Act 150 of 2000) will be codified as 16 V.S.A. §§ 1621-1622.

For more information, contact [mark.oettinger@state.vt.us](mailto:mark.oettinger@state.vt.us).

### **STATE PLACED STUDENTS**

There were two major amendments concerning the determination of public school residency for students involved in juvenile court proceedings, and the corresponding need for transportation of these students to school.

16 V.S.A. § 11(a)(28) was amended to change the definition of “state-placed student” to include students who are in the legal custody of the Commissioner of the Department for Children and Families (DCF), or who are in the temporary legal custody of an individual as a result of juvenile court proceedings, and whose need for educational continuity is such that they should attend school in a district other than their traditionally-defined district of residence. Under such circumstances, the Commissioner of Education has new discretion, in the interest of the student's educational continuity, to allow the student to remain enrolled in a school which they would previously have been required to leave due to a change in legal residency. Previously, students could not be considered to be “state placed” (and therefore able to be enrolled in the Commissioner of Education's discretion) if they were not residing outside of their parents' or legal guardian's district of residence. Under the new law, the Commissioner of Education can deem such students “state placed,” and their educational costs will continue to be the responsibility of the state.

A corresponding amendment to 16 V.S.A. §1075 requires the Department for Children and Families to assume transportation costs for students in DCF custody who are attending school outside their district of residence, unless the receiving district agrees to assume these costs. For students who are in the temporary custody of an individual, if the student is enrolled in the district where the custodian resides, the district must provide transportation in the same manner, and to the same extent, as for other students. If the student is enrolled outside of the district where the legal guardian resides, then the custodian is responsible for transportation costs unless the receiving district agrees to provide transportation.

For more information, contact [deb.quackenbush@state.vt.us](mailto:deb.quackenbush@state.vt.us).

## HIGH SCHOOL COMPLETION

High School completion is highlighted in H.427, with a goal of increasing high school graduation to 100 percent by the year 2020. There are several provisions which are intended to strengthen support for at-risk students.

16 V.S.A. § 2903 has been amended to direct educational support teams (ESTs) to determine which enrolled students require additional assistance in order to be successful in school. They are to make those determinations based upon indicators which are set forth in guidelines which are to be developed by the Commissioner of Education. The ESTs are also directed to develop individualized plans to assist identified students in completing high school, and whenever possible those plans are to be developed in collaboration with the student's parents or legal guardian.

16 V.S.A. § 1094(a) dramatically expands the high school completion program by allowing participation by *enrolled* students from public *or* approved independent schools. Previously, only students who were no longer enrolled in school were eligible to participate in the high school completion program.

The 2009 statutory changes establish a goal of a 100% high school completion rate state-wide by 2020. Students who are not enrolled in a traditional school setting may work toward completion of a graduation plan by receiving adult education services from a "contracting agency." Upon completion of such a plan, the student is awarded a high school diploma by the student's district of residence.

The Legislature directed the Commissioner to: (1) create and publish guidelines for developing graduation completion plans; (2) create and publish guidelines for identifying and supporting elementary and high school students who require support, or who could benefit from alternative pathways to graduation; (3) evaluate existing practices and programs in Vermont schools which support success and graduation; and (4) identify those schools which need assistance in beginning or enhancing school completion programs and practices.

The Commissioner is also directed to develop an accurate, uniform and reliable method for defining and measuring high school completion rates on a school-by-school basis, and to set benchmarks for assessing schools' progress toward the goal of increasing their high school completion rates to 100 percent by the year 2020. Every year between now and 2020, the Commissioner must report the states' progress toward this goal to the Legislature, and schools must also report their progress to their electorates when their school budgets are presented for approval.

For more information contact [tom.alderman@state.vt.us](mailto:tom.alderman@state.vt.us)

## TEEN PARENT EDUCATION PROGRAMS

The Legislature clarified the general language in 16 V.S.A. § 1073 regarding educational opportunities for pregnant and parenting students, by adding definitions of pregnant and parenting pupils, approved education programs, and teen parent education programs, in 16 V.S.A. § 11. A new provision was added to 16 V.S.A. § 1073 which distinguishes a residential teen parent education program from a non-residential teen parent education program, and which explains the process for planning, assessing and facilitating the student's education. In addition, nonresidential teen parent education programs must now provide the "substantial equivalent of the learning experiences provided by the public school district of residence or the enrolling school" as a condition of having their courses counted as credits toward obtaining high school diplomas. Disputes regarding whether the required standard are being met are now resolved by the Commissioner of Education, whose decision is final. As of July 1, 2010, the DOE is authorized to approve both residential and non-residential teen parent education programs, subject to standards adopted by the State Board of

Education. Until that date, a teen parent education program which has heretofore been recognized by the Department for Children and Families shall be deemed an approved education program.

For more information, contact [pat.pallasgray@state.vt.us](mailto:pat.pallasgray@state.vt.us).

### **TRUANCY**

The Commissioner of Education is required to develop a model truancy policy in conjunction with the Department of State's Attorneys & Sheriffs, the judiciary and school personnel. The policy is to be published on the DOE's web site by September 30, 2009. On or before July 1, 2010, the Commissioner must ensure that supervisory unions adopt truancy policies that are consistent with the model policy.

For more information, contact [barbara.crippen@state.vt.us](mailto:barbara.crippen@state.vt.us).

### **SUPPLEMENTAL READING INSTRUCTION**

16 V.S.A. § 2903 was amended to require supplemental reading instruction in public schools for any student in grade four whose reading proficiency falls below a third grade level, and to any student in grades 5-12 whose reading proficiency creates a barrier to the student's success in school.

For more information, contact [marty.gephart@state.vt.us](mailto:marty.gephart@state.vt.us).

### **SCHOOL QUALITY STANDARDS WAIVERS**

The Legislature enacted a new provision which allows the Commissioner of Education to act directly on a school district's request for a waiver of school quality standards, if the State Board of Education fails to render a decision on the request at its first regularly scheduled meeting after the request is received. This provision is intended to promote flexibility and innovation in schools. The Commissioner of Education is to report to the Legislature, on or before March 1, 2010, concerning the rationales for the decisions on these waiver requests, highlighting the resulting innovations and how information concerning these innovations was made available to other school districts and supervisory unions.

For more information, contact [mark.oettinger@state.vt.us](mailto:mark.oettinger@state.vt.us)

### **AUDITS AND AUDITORS**

16 V.S.A. § 323 was amended to require that audits of supervisory union financial statements be conducted in accordance with generally accepted government auditing standards, including the issuance of a report of internal controls over financial reporting. This is a new standard for such reports.

16 V.S.A. § 563 was amended to require an identical standard for audits of the financial statements of school districts.

17 V.S.A. § 2647 was amended to allow a person to hold public office as an auditor even if that person's spouse is a school director, so long as the school district prepares and reports its budget independently from the town's budget, and so long as the school district is audited by an independent public accountant.

For more information, contact [bill.talbott@state.vt.us](mailto:bill.talbott@state.vt.us).

## SCHOOL BUDGET VOTES

16 V.S.A. § 4001(6) was amended to exclude certain expenditures from the definition of education spending for the purposes of determining whether a proposed budget must be presented to the electorate as a divided question. The excluded expenditures are: certain enumerated capital construction costs; anticipated tuition costs for districts that do not maintain their own schools; spending attributable to the cost of merging a small school (a school with an average class size of 20 or fewer students); the districts share of 21<sup>st</sup> Century Community Learning Centers after-school programs; and costs associated with providing alternative educational opportunities for at-risk students to remain in school.

In addition, the ballot language, which is contained in 16 V.S.A. § 563, for districts which are subject to the divided question vote, is amended as follows:

“The total proposed budget of \$\_\_\_\_\_ is the amount determined by the school board to be necessary to support the school district’s educational program. State law requires the vote on this budget to be divided because (i) the school district’s spending per pupil last year was more than the statewide average and (ii) this year’s proposed budget is greater than last year’s budget adjusted for inflation.

### Article #1 (School Budget)

Part A. Shall the voters of the school district authorize the school board to expend \$\_\_\_\_\_, which is a portion of the amount the school board has determined to be necessary?

Part B. If Part A is approved by the voters, shall the voters of the school district also authorize the school board to expend \$\_\_\_\_\_, which is the remainder of the amount the school board has determined to be necessary?”

For more information, contact [bill.talbott@state.vt.us](mailto:bill.talbott@state.vt.us).

## **ACT 60: AN ACT RELATING TO EDUCATION PROPERTY TAX RATES**

**(H. 12)** <http://www.leg.state.vt.us/docs/2010/Acts/ACT060.pdf>

Act 60 reduces the educational tax rate for FY 2010. The rates will be as follows:

- the tax rate for homestead property shall be \$0.86 multiplied by the district spending adjustment for the municipality, per \$100.00 of equalized property value as most recently determined under section 5405 of Title 32.
- the tax rate for nonresidential property shall be \$1.35 per \$100.00

*Purpose: Education funding formula*

*Contact: [bill.talbott@state.vt.us](mailto:bill.talbott@state.vt.us)*

## **ACT 1 (OF THE 2009 SPECIAL SESSION): AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF GOVERNMENT (H. 441)**

<http://www.leg.state.vt.us/docs/2010.1/Acts/ACT001.pdf>

Act 1 (of the 2009 *special* session) makes certain education-related appropriations, and a few changes to Title 16. There are 15 K-12 education-related “line items” in the Fiscal Year 2010



state budget, which are reprinted below. As the text is believed to be largely self-explanatory, editorial comment is omitted. The link immediately above is to Act 1 (of the 2009 *special* session) as a whole, as the electronic version is not formatted into separate sections. A brief statement of the purpose of each line item, and a Department of Education contact for each provision, are also included.

**(1) SEC. E.500 - EDUCATION – FINANCE AND ADMINISTRATION**

(a) The Global Commitment funds appropriated in this section for school health services, including school nurses, shall be used for the purpose of funding certain health-care-related projects. It is the goal of these projects to reduce the rate of uninsured or underinsured persons or both in Vermont and to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

*Purpose: Funding for school health services*

*Contact: [donna.mcallister@state.vt.us](mailto:donna.mcallister@state.vt.us)*

**(2) SEC. E.500.1 - THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; EDUCATION**

(a) The American Recovery and Reinvestment Act of 2009.

(1) The American Recovery and Reinvestment Act of 2009 (ARRA) provides billions of dollars in federal funds to stimulate the economy in the short term and to invest in education and other essential public services necessary to ensure the long-term economic health of the nation.

(2) Four principles guide distribution of ARRA funds:

(A) Spend funds quickly to save and create jobs.

(B) Improve student achievement through school reform.

(C) Ensure transparency, reporting, and accountability.

(D) Invest one-time ARRA funds thoughtfully to minimize unsustainable recurring costs in the future.

(b) Title VIII of the ARRA. In Title VIII, the ARRA appropriates additional funding to supervisory unions and school districts through existing federal programs, such as Title I of the Elementary and Secondary Education Act (Title I) and the Individuals with Disabilities Education Act (IDEA), to enhance and develop educational practices and outcomes for students who are disadvantaged or disabled, to provide supports for the lowest performing schools, and to promote innovation and improvement in education for all students.

(c) Department of education. The general assembly recognizes that, if it has the capacity, the department of education shall help supervisory unions and school districts to use IDEA, Title I, and other federal stimulus funds, both within and among these entities, in coordinated, fiscally prudent ways that advance the educational purposes of the ARRA. Therefore, it is the intent of the general assembly to ensure that the department has the positions and funding that it needs to help supervisory unions and school districts. Examples of departmental assistance include:

(1) Developing, coordinating, or providing professional development models to assist implementation of evidence-based strategies to:

(A) Increase student participation and achievement levels, such as through responsiveness to intervention (RTI), positive behavioral supports (PBS), differentiated instruction (DI), the Vermont integrated instructional model (VIIM), and the formative assessment project.

- (B) Provide effective prevention and intervention strategies to support students at risk of not completing high school.
- (C) Promote secondary school transformation.
- (D) Support early intervention and early childhood education.
- (2) Coordinating early intervention and early education services statewide.
- (3) Aiding school districts to provide assistive technology equipment not otherwise available to them through existing funding sources.
- (d) Supervisory unions and school districts. It is the intent of the general assembly that federal IDEA, Title I, and any other federal stimulus funds received by supervisory unions or school districts are used in fiscally prudent ways to advance the purposes of the ARRA as it relates to education without creating unsustainable recurring costs, such as:
  - (1) To provide intensive professional development opportunities in special education and general education that focus on implementing innovative, evidence-based, schoolwide strategies in reading, math, and science and in the use of positive behavioral interventions and supports.
  - (2) To establish a system to identify and train highly effective teachers to serve as instructional leaders and mentors.
  - (3) To implement innovative, flexible, evidence-based programs and practices to identify and support students who are at risk of not completing high school.
  - (4) To implement student progress monitoring systems to assist teachers and administrators to collect and use data to improve instruction and learning for all students.
  - (5) To provide intensive training and coaching to teachers, administrators, and para-educators to improve services provided to students with disabilities, including autism and emotional behavioral disorders.
  - (6) To provide additional intervention services for children with disabilities who are eligible for early childhood education as that term is defined in 16 V.S.A. § 11(a)(31).
  - (7) To support the training and certification of early childhood educators working in a program offered by or through a school district.
  - (8) To increase the federal share of special education costs.

*Purpose: Federal stimulus funds for education*

*Contact: [rae.knopf@state.vt.us](mailto:rae.knopf@state.vt.us)*

### **(3) SEC. E.500.2 - FIVE LIMITED SERVICE POSITIONS WITHIN THE DEPARTMENT OF EDUCATION**

- (a) Five limited service positions are authorized within the department of education to support implementation of Sec. E.500.1 of this act, including one exempt attorney position to specialize in special education law, one program coordinator I position, and three education consultant II positions.
- (b) Of the funds appropriated in Sec. B.500 of this act, \$325,000 is from the special fund created in subsection 2959a(b) of Title 16 through an allocation made pursuant to subsection 2959a(f) of that title.

*Purpose: Personnel needed to support the federal stimulus package*

*Contact: [mark.oettinger@state.vt.us](mailto:mark.oettinger@state.vt.us)*



#### **(4) SEC. E.501 EDUCATION – EDUCATION SERVICES**

(a) In fiscal year 2010 and fiscal year 2011, \$1,131,751 shall be paid by the education fund for early education initiative grants for at-risk preschoolers. In fiscal year 2012, these expenses shall revert to the general fund, and the general fund transfer shall be adjusted accordingly.

*Purpose: Pre-k funding*

*Contact: [manuela.fonseca@state.vt.us](mailto:manuela.fonseca@state.vt.us)*

#### **(5) SEC. E.501.1**

No 192 of the Acts of 2008 (sunset; teen parent education programs) is amended to read:

(d) Sec. 5.304.1 of this act shall take effect on July 1, 2008 and shall remain in effect until July 1, 2010.

*Purpose: Funding and approval of teen parent education programs*

*Contact: [pat.pallasgray@state.vt.us](mailto:pat.pallasgray@state.vt.us)*

#### **(6) SEC. E.502 - EDUCATION - SPECIAL EDUCATION FORMULA GRANTS**

(a) The education fund appropriated in this section shall be made notwithstanding 16 V.S.A. §§ 2963(c)(3) and 2967(b).

*Purpose: Special Education funding*

*Contact: [margaret.schelley@state.vt.us](mailto:margaret.schelley@state.vt.us)*

#### **(7) SEC. E.503 - EDUCATION – STATE-PLACED STUDENTS**

(a) The independence place program of the Lund Family Center shall be considered a 24-hour residential program for the purposes of reimbursement of education costs.

*Purpose: Lund Family Center funding*

*Contact: [brad.james@state.vt.us](mailto:brad.james@state.vt.us)*

#### **(8) SEC. E.504 – EDUCATION - ADULT EDUCATION AND LITERACY**

(a) Of this appropriation, the amount from the education fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 1049a(c).

*Purpose: Adult Education funding*

*Contact: [tom.alderman@state.vt.us](mailto:tom.alderman@state.vt.us)*

#### **(9) SEC. E.505 - COMMUNITY HIGH SCHOOL OF VERMONT GRANT**

(a) From the education funds appropriated in Sec. B.505 in fiscal year 2010 and fiscal year 2011, a base education payment shall be paid to the community high school of Vermont for full-time equivalent students studying high school equivalency coursework. For fiscal year 2010, this total grant shall be set at the base education payment for 355 full-time equivalent pupils. This amount

shall be transferred from the funds appropriated in Sec. B.505 to the department of corrections - correctional education program. These payments shall be made, notwithstanding 16 V.S.A. § 4025(b)(1). In fiscal year 2012, these expenses shall revert to the general fund, and the general fund transfer shall be adjusted accordingly.

*Purpose: Community High School of Vermont funding*

*Contact: [mark.oettinger@state.vt.us](mailto:mark.oettinger@state.vt.us)*

#### **(10) SEC. E.505.1 - EDUCATION – ADJUSTED EDUCATION PAYMENT**

(a) Any calculations required to identify funding levels for the education fund budget stabilization reserve under 16 V.S.A. § 4026(b) shall be calculated as if in fiscal year 2010 those revenues and appropriations included \$38,575,036 in additional revenues and \$38,575,036 in additional expenditures.

*Purpose: Education fund stabilization reserve*

*Contact: [bill.talbott@state.vt.us](mailto:bill.talbott@state.vt.us)*

#### **(11) SEC. E.511 – EDUCATION - TECHNICAL EDUCATION**

(a) The appropriation in this section shall be authorized, notwithstanding 16 V.S.A. § 1564.

*Purpose: Technical education funding*

*Contact: [john.fischer@state.vt.us](mailto:john.fischer@state.vt.us)*

#### **(12) SEC. E.511.1 - REPEAL**

(a) 16 V.S.A. § 1564 (equipment replacement fund) is repealed.

Note: the effect of Sections E.511 and E.511.1 appears to be to transfer financial responsibility for these expenditures to the education fund.

*Purpose: Technical education funding*

*Contact: [john.fischer@state.vt.us](mailto:john.fischer@state.vt.us)*

#### **(13) SEC. E.512 - EDUCATION – NO. 117 OF THE ACTS OF 2000 – COST CONTAINMENT**

(a) Notwithstanding any other provisions of law, expenditures made from this section shall be counted under 16 V.S.A. § 2967(b) as part of the state's 60-percent share of the statewide total special education expenditures of funds which are not derived from federal sources.

*Purpose: Special education cost containment*

*Contact: [margaret.schelley@state.vt.us](mailto:margaret.schelley@state.vt.us)*

**(14) SEC. E.513 - EDUCATION FUND TRANSFER ADJUSTMENT FOR ARRA FUND OFFSET**

- (a) Notwithstanding 16 V.S.A. § 4025(2), for fiscal year 2010, the general fund transfer to the education fund shall be \$239,203,945.
- (b) Notwithstanding 16 V.S.A. § 4025(2), it is the intent of the general assembly that the fiscal year 2011 transfer shall be funded at \$240,803,945 less any adjustment for changes in the current use program.
- (c) It is the intent of the general assembly that the fiscal year 2012 general fund transfer shall be as required in 16 V.S.A. § 4025(2) less any continuing offset for federal state fiscal stabilization funds.

*Purpose: Education fund transfer to general fund*

*Contact: [bill.talbott@state.vt.us](mailto:bill.talbott@state.vt.us)*

**(15) SEC. E.513.1 - 16 V.S.A. § 4025(b) IS AMENDED TO READ:**

- (b) Moneys in the education fund shall be used for the following:
- (1) To make payments to school districts and supervisory unions for the support of education in accordance with the provisions of section 4028 of this title, other provisions of this chapter, and the provisions of chapter 135 of Title 32.
- (2) To cover the cost of fund auditing, accounting, and of short-term borrowing to meet fund cash flow requirements.
- (3) To make payments required under subdivisions 6066(a)(1) and (2) of Title 32 and only that portion attributable to education taxes, as determined by the commissioner of taxes, of payments required under subdivisions 6066(a)(3) and 6066(b) of Title 32.

*Purpose: Utilization of education fund moneys*

*Contact: [bill.talbott@state.vt.us](mailto:bill.talbott@state.vt.us)*

**(16) SEC. E.514 - STATE TEACHERS' RETIREMENT SYSTEM**

- (a) In accordance with 16 V.S.A. § 1944(g)(2), the amount of the annual contribution to the Vermont state teachers' retirement system shall be \$41,503,002 in fiscal year 2010.
- (b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$19,821,109 is the "normal contribution," and \$21,681,893 is the "accrued liability contribution."
- (c) The general assembly is proposing that a combination of \$40,228,002 in general funds and an estimated \$1,275,000 of Medicare Part D reimbursement funds be utilized to achieve funding at the actuarially recommended level.

*Purpose: Funding for teachers' retirement system*

*Contact: [bill.talbott@state.vt.us](mailto:bill.talbott@state.vt.us)*